

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Christopher S Graham
Sara N Graham
fka Sara N Smith**
Debtor(s)

Bankruptcy Case No.: 15-70664-JAD
Issued Per Apr. 13, 2017 Proceeding
Chapter: 13
Docket No.: 127 – 117, 118
Concil. Conf.: June 29, 2017 at 11:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated February 6, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,403 as of April 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jun. 29, 2017 at 11:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☒ F. Peoples Gas shall be paid monthly payments of \$112.59 beginning with the Trustee's March 2017 distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Nationstar Mortgage at Claim No. 7 with payment changes implemented .
- ☒ H. Additional Terms: The claim of Capital One Auto Finance at Claim No. 3 shall govern as to amount, to be paid in full at modified plan terms at \$180 per month.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: April 17, 2017

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Imaged Certificate of Notice Page 4 of 5

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Christopher S Graham
Sara N Graham
DebtorsCase No. 15-70664-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: jhel
Form ID: 149Page 1 of 2
Total Noticed: 34

Date Rcvd: Apr 17, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 19, 2017.

db/jdb
cr +Christopher S Graham, Sara N Graham, 208 Carlisle St., Homer City, PA 15748-1331
+Peoples Natural Gas Company, LLC, Attn: Dawn Lindner, 225 North Shore Drive,
Pittsburgh, PA 15212-5861

sp +Thomas C. Baumann, Law Office of Abes Baumann, PC, 810 Penn Avenue, 5th Floor,
Pittsburgh, PA 15222-3614

cr +US Bank Trust National Association as Trustee of t, c/o Law Offices of Damian G. Waldman, PA,
10333 Seminole Blvd. Unit 1 & 2, Seminole, FL 33778-4204

14118102 AES Loan Servicing, PO Box 2461, Harrisburg, PA 17105-2461

14133616 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083

14118105 +Capital One Card Services, PO Box 30285, Salt Lake City, UT 84130-0285

14118106 +Chatham College, 1 Woodland Rd., Pittsburgh, PA 15229-1232

14118107 #+Collection Service Center, PO Box 68, Altoona PA, PA 16603-0068

14118108 Comenity Bank, PO Box 182125, Columbus, OH 43218-2125

14118109 +Conemaugh Memorial Medical Center, Attn: Billing Dept., 1086 Franklin St.,
Johnstown, PA 15905-4305

14118111 FedLoan Servicing, PO Box 69184, Harrisburg, PA 17106-9184

14118112 First Premier Bank, P.O. Box 5524, Sioux Falls, SD 57117-5524

14118114 +HSBC Bank USA, N.A., P.O. Box 2013, Buffalo, NY 14240-2013

14118113 +Holiday Financial Service, 2340 Warren Rd #205, Indiana, PA 15701-2413

14118115 +Indiana Regional Medical Center, 835 Hospital Rd., PO Box 788, Indiana, PA 15701-0788

14118116 +KML Law Group P.C., Ste 5000 - BNY Independence Ctr, 701 Market St.,
Philadelphia, PA 19106-1538

14117828 +Midland Credit Management, Inc. as agent for, Asset Acceptance LLC, PO Box 2036,
Warren, MI 48090-2036

14111958 ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
(address filed with court: Nationstar Mortgage LLC, 350 Highland Dr., Lewisville, TX 75067)

14118119 +One Main Financial, 475 Ben Franklin Rd. S S64, Indiana, PA 15701-2347

14118120 +Penn Credit Corp., 916 South 14th St., Harrisburg, PA 17104-3425

14118122 Santander Consumer USA, PO Box 560284, Dallas, TX 75356-0284

14118123 Sterling Jewelers Inc., d/b/a Kay Jewelers, P.O. Box 3680, Akron, OH 44309-3680

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
cr

+E-mail/PDF: acg.acg.ebn@americaninfosource.com Apr 18 2017 01:10:57
Capital One Auto Finance c/o Ascension Capital Gro, P.O. Box 201347,
Arlington, TX 76006-1347

14118103 E-mail/Text: BANKRUPTCY@ASSETACCEPTANCE.COM Apr 18 2017 01:19:34
Asset Acceptance Capital Corp., P.O. Box 2036, Warren, MI 48090-2036

14118104 E-mail/PDF: AIS.COAF.EBN@Americaninfosource.com Apr 18 2017 01:16:38
Capital One Auto Finance, 7933 Preston Road, Plano, TX 75024-2302

14131553 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Apr 18 2017 01:10:49
Capital One Auto Finance, c/o Ascension Capital Gr, P.O. Box 201347,
Arlington, TX 76006-1347

14118110 E-mail/Text: hariasdiaz@creditmanagementcompany.com Apr 18 2017 01:19:51
Credit Management Co, 2121 Noblestown Rd., PO Box 16346, Pittsburgh, PA 15242-0346

14118121 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 18 2017 01:16:38
Portfolio Recovery Associates, LLC, 120 Corporate Blvd, Norfolk, VA 23502

14179702 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 18 2017 01:29:16
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541

14149421 E-mail/Text: bnc-quantum@quantum3group.com Apr 18 2017 01:19:16
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788

14149517 E-mail/Text: bnc-quantum@quantum3group.com Apr 18 2017 01:19:16
Quantum3 Group LLC as agent for, Sadino Funding LLC, PO Box 788,
Kirkland, WA 98083-0788

14131577 +E-mail/Text: ecf@buckleyking.com Apr 18 2017 01:19:06
Sterling Jewelers, Inc. dba Kay Jewelers, c/o Buckley King LPA,
600 Superior Avenue East, Suite 1400, Cleveland, Ohio 44114-2693

14118124 E-mail/PDF: gecsed@recoverycorp.com Apr 18 2017 01:10:55 Synchrony Bank,
Attn: Bankruptcy Dept., PO Box 965060, Orlando, FL 32896-5060

TOTAL: 11

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Nationstar Mortgage LLC

14118118* ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
(address filed with court: Nationstar Mortgage LLC, 350 Highland Dr., Lewisville, TX 75067)

14145997* ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
(address filed with court: Nationstar Mortgage LLC, P.O. Box 619096, Dallas, TX 75261-9741)

14118117 ##+Michael F Ratchford, Esquire, Edwin A Abrahamsen & Associates, 120 N Keyser Ave.,
Scranton, PA 18504-9701

TOTALS: 1, * 2, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

District/off: 0315-7

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 34

Date Rcvd: Apr 17, 2017

***** BYPASSED RECIPIENTS (continued) *****

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 19, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 17, 2017 at the address(es) listed below:

Allison B. Gordon on behalf of Debtor Christopher S Graham gordonab.esq@gmail.com
Allison B. Gordon on behalf of Joint Debtor Sara N Graham gordonab.esq@gmail.com
Andrew F Gornall on behalf of Creditor Nationstar Mortgage LLC agornall@goldbecklaw.com,
bkgroup@goldbecklaw.com/bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor Nationstar Mortgage LLC bkgroup@kmlawgroup.com
Joshua I. Goldman on behalf of Creditor Nationstar Mortgage LLC bkgroup@kmlawgroup.com
Laurence A. Mester on behalf of Creditor Capital One Auto Finance c/o Ascension Capital Group
lmester@mesterschwartz.com, jottinger@mesterschwartz.com/jschwartz@mesterschwartz.com
Martin A. Mooney on behalf of Creditor Capital One Auto Finance c/o Ascension Capital Group
tshariff@schillerknapp.com, tshariff@ecf.courtdrive.com/kcollins@schillerknapp.com
Matthew Gross on behalf of Creditor US Bank Trust National Association as Trustee of the PRP
II Pals Investment Trust matt@waldmanlaw.com
Michael N. Vaporis on behalf of Joint Debtor Sara N Graham mvaporis@comcast.net,
jlcerovich@comcast.net
Michael N. Vaporis on behalf of Debtor Christopher S Graham mvaporis@comcast.net,
jlcerovich@comcast.net
Office of the United States Trustee ustregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company, LLC sjw@sjwpgh.com,
srk@sjwpgh.com; PNGbankruptcy@peoples-gas.com

TOTAL: 13